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Summary record of the 68th meeting
Held at Headquarters, New York, on Friday, 25 May 2001, at 5 p.m.

Chairman. Mr. Rosenthal ..... (Guatemala)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

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The meeting was called to order at 5.10 p.m.

Agenda item 140: Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters (*continued*)
(A/C.5/55/L.74)

Draft resolution A/C.5/55/L.74

1. **The Chairman** introduced draft resolution A/C.5/55/L.74, which had been submitted by the representative of Croatia and Vice-Chairman of the Committee.

2. *Draft resolution A/C.5/55/L.74 was adopted.*

3. **Ms. Nesser** (Sweden), speaking on behalf of the European Union, said that when the Committee had adopted peacekeeping budgets and negotiated the peacekeeping scale of assessments, the European Union had repeatedly affirmed its strong commitment to United Nations peacekeeping as a core function of the Organization. While it joined the consensus on draft resolution A/C.5/55/L.74, it was concerned that not every peacekeeping budget would be fully covered if Member States failed to honour their obligations to pay their assessed contributions. In the case of the United Nations Protection Force (UNPROFOR), the situation made it impossible either to credit the unencumbered balance of more than 174 million dollars to Member States that had fulfilled their obligations or to reimburse troop contributors, thereby aggravating the Organization's financial difficulties and potentially jeopardizing the implementation of other peacekeeping operations. The European Union was not prepared to accept an increase in its effective share in the recently agreed scale of assessments in order to offset non-payment by certain Member States.

Agenda item 143: Financing of the United Nations Peacekeeping Force in Cyprus (*continued*)
(A/C.5/55/L.71)

Draft resolution A/C.5/55/L.71

4. **Mr. Yamanaka** (Japan) introduced draft resolution A/C.5/55/L.71 on behalf of the Chairman. The draft resolution addressed the treatment of the unencumbered balance for the previous financial period, the budget for the forthcoming period and other important matters.

5. *Draft resolution A/C.5/55/L.71 was adopted.*

Agenda item 144: Financing of the United Nations Observer Mission in Georgia (*continued*)
(A/C.5/55/L.72)

Draft resolution A/C.5/55/L.72

6. **Mr. Yamanaka** (Japan), introducing draft resolution A/C.5/55/L.72 on behalf of the Chairman, said that the draft resolution dealt with the treatment of the unencumbered balance for the previous financial period, appropriations and assessments for the maintenance of the Mission in Georgia for the next period and other important matters.

7. *Draft resolution A/C.5/55/L.72 was adopted.*

Agenda item 148: Financing of the United Nations Mission in Bosnia and Herzegovina (*continued*)
(A/C.5/55/L.75)

Draft resolution A/C.5/55/L.75

8. **The Chairman** introduced draft resolution A/C.5/55/L.75, which had been submitted by the representative of Croatia and Vice-Chairman of the Committee.

9. *Draft resolution A/C.5/55/L.75 was adopted.*

Agenda item 150: Financing of the United Nations Support Mission in Haiti, the United Nations Transition Mission in Haiti and the United Nations Civilian Police Mission in Haiti (*continued*)
(A/C.5/55/L.76)

Draft resolution A/C.5/55/L.76

10. **The Chairman** introduced draft resolution A/C.5/55/L.76, which had been submitted by the representative of Croatia and Vice-Chairman of the Committee.

11. *Draft resolution A/C.5/55/L.76 was adopted.*

Agenda item 152: Financing of the United Nations Mission in the Central African Republic (*continued*) (A/C.5/55/L.67)

Draft resolution A/C.5/55/L.67

12. **Mr. Christian** (Ghana) introduced draft resolution A/C.5/55/L.67 on behalf of the Chairman. The draft resolution dealt with the crediting of the unencumbered balance for the period ending 30 June 2000.

13. *Draft resolution A/C.5/55/L.67 was adopted.*

Agenda item 167: Financing of the United Nations Organization Mission in the Democratic Republic of the Congo (*continued*) (A/C.5/55/L.83)

Draft resolution A/C.5/55/L.83

14. **Mr. Kelapile** (Botswana), Vice-Chairman, introduced draft resolution A/C.5/55/L.83.

15. *Draft resolution A/C.5/55/L.83 was adopted.*

Agenda item 176: Financing of the United Nations Mission in Ethiopia and Eritrea (*continued*) (A/C.5/55/L.80)

Draft resolution A/C.5/55/L.80

16. **Mr. Kelapile** (Botswana), Vice-Chairman, introduced draft resolution A/C.5/55/L.80.

17. *Draft resolution A/C.5/55/L.80 was adopted.*

Agenda item 123: Human resources management (*continued*) (A/C.5/55/L.87)

Draft resolution A/C.5/55/L.87

18. **Mr. Chaudhry** (Pakistan) introduced draft resolution A/C.5/55/L.87, which he had earlier submitted on behalf of the Chairman. A number of editorial changes and some substantive changes would have to be made to the draft resolution in order to bring it into line with the text that had been agreed upon in informal consultations on 23 May. Substantive changes must be made to paragraph 16 of section IV, which should read: "*Regrets* that the provisions of paragraph 22, part V, of resolution 53/221 were not fully complied with, which led to candidates from over-represented countries taking the G to P examination in February 2000, and decides, as a one-time exception, to allow the movement of successful candidates from the G to P examination of 2000 from the General Service to the Professional category".

19. Substantive amendments should also be made to paragraph 17 of section IV, which should read: "*Notes* the efforts made by the Secretary-General to align the G to P examination with the national competitive examinations, as required under paragraph 22, part V, of resolution 53/221, and decides that henceforth recruitment of qualified staff from the General Service to the Professional category should be limited to the P-1 and P-2 levels and be permitted up to 10 per cent of the appointments at those levels".

20. The draft resolution had 15 sections and dealt with the human resources management reform package proposed by the Secretary-General and several other issues of far-reaching importance for the management of the Secretariat. It reflected the agreement that had been reached on contractual arrangements and the administration of justice, issues to which a great deal of time had been devoted in informal consultations, as well as on other vital elements of the reform package, including mobility, delegation of authority and accountability. It also resolved a number of recruitment and placement issues, including the long-standing issue of the examination for movement from the General Service to the Professional category, representing a delicate balance of all views expressed; the issue of the 2000 General Service to Professional examination in particular; and the question of the very definition of recruitment and placement. The draft resolution provided for the recruitment of qualified staff from the General Service category at the P-1 and P-2 levels against 10 per cent of the applications at those levels. Although it was not explicitly stated, it had been the clear understanding in the informal consultations that that would be done in accordance with existing practice.

21. All participants in the informal consultations had displayed an outstanding spirit of cooperation. The delay in the negotiations had been due to the enormity of the task of having to negotiate many complex issues with far-reaching implications in a very short time. The draft resolution was clearly worded and had no ambiguities or grey areas, thanks, in large part, to the cooperation and support of the Office of Human Resources Management, which had provided extensive written and verbal explanations to Committee members during their consultations. He also wished to thank, in

particular, the Presidency of the European Union and the Chairman of the Group of 77 and China for their work.

22. **Mr. Niiya** (Japan), speaking in explanation of position before action was taken on the draft resolution, expressed the hope that the draft resolution would lead to a more equitable geographic representation in the Secretariat. He urged the Secretary-General to improve the representation of under-represented Member States. His delegation had joined the consensus under which the recruitment of General Service staff to Professional posts was to be limited to 10 per cent of appointments at the P-1 and P-2 levels, in the hope that the provision would improve the current situation. If the Organization wished to retain skilled staff, the latter must be given the opportunity to develop their careers. Mobility, too, was clearly a key factor and it was important that the provisions of section V should be implemented. Lastly, given that the process of recruitment, placement and promotion was too slow and cumbersome, thus preventing the Organization from attracting the best candidates, strenuous efforts should be made to achieve the target of completing the process within 120 days.

23. **The Chairman** confirmed that the draft resolution contained elements in addition to the text appearing in document A/C.5/55/L.87 and over and above the oral amendments that had been proposed by the representative of Pakistan.

24. *Draft resolution A/C.5/55/L.87, as orally revised, was adopted.*

25. **Mr. Mirmohammad** (Islamic Republic of Iran), speaking on behalf of the Group of 77 and China, said that implementation of the draft resolution, with its provision for well-designed mechanisms of accountability, would improve the Organization's human resources management. The Office of Human Resources Management would play an important role in monitoring the process and the Group of 77 and China would follow with interest the development and timescale of such monitoring. The Group of 77 and China also looked forward to the implementation of section XI, especially the measures to close the gap between the statutes of the United Nations Administrative Tribunal and the Administrative Tribunal of the International Labour Organization.

26. **Ms. Aguinaldo** (Philippines) welcomed the fact that the draft resolution recognized the Organization's most valuable asset, its staff, and ensured that merit and competence were appreciated. Despite the reduction of the limit on the number of General Service staff permitted to pass to the Professional category, an avenue for upward movement remained.

27. **Mr. Chandra** (India) said that efforts to secure staff with the highest standards of efficiency, competence and integrity should continue. To that end, the eventual reduction of recruitment time to 120 days would be welcome. With regard to the examination for promotion from the General Service to the Professional category, it was heartening that the existing practice would be maintained, even though that fact was not spelled out in the text. In that connection, he trusted that the provisions contained in section IV, paragraph 17, would equally apply to paragraph 16. Lastly, it was important that the Secretariat should take due account of the first preambular paragraph of section IV in interpreting paragraph 4 of section X.

28. **Mr. Abdalla** (Libyan Arab Jamahiriya) said that the Secretary-General must ensure that the study provided for in paragraph 4 of section X was submitted to the General Assembly early enough during the main part of its fifty-sixth session in order to facilitate the approval of the budget of the Office of Human Resources Management. His delegation also looked forward to the establishment of a robust monitoring capacity, in compliance with the first preambular paragraph of section VII.

29. **Ms. Salim** (Assistant Secretary-General for Human Resources Management) said that the adoption of the draft resolution constituted a vote of confidence for the Secretary-General's vision: the United Nations would be able to become more responsive to the mandates entrusted to it by Member States through better management of its major resource, the staff. The consensus text, which had been achieved through an arduous progress of evaluation and negotiation at all hours of the day and night, gave the green light to proceed with the implementation of a reform programme that would enable the Organization to recruit, develop and manage staff more effectively. Managers would be able to make the final selection of their own staff and staff movement across functions, occupations, departments and duty stations would be facilitated. The Secretariat would, however, be mindful of the Committee's wish for accountability, monitoring and control of the manner in which delegated authority was exercised.

30. She welcomed the decision to maintain the examination for promotion from the General Service to the Professional category, to which she attached great importance, and the approval given to the Secretary-General's proposal to establish the function of ombudsman, which would go a long way towards establishing a culture of increased trust. Her Office would do its best to carry out the decision of the General Assembly in the spirit in which it was intended. She undertook to submit to the Committee the reports and studies that had been requested in the draft resolution.

Agenda item 116: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*) (A/C.5/55/L.93)

Action taken on certain documents (continued)

Draft decision A/C.5/55/L.93

31. *Draft decision A/C.5/55/L.93 was adopted.*

Agenda item 153: Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations (*continued*)

(a) Financing of the United Nations peacekeeping operations (*continued*) (A/C.5/55/L.94)

Draft resolution A/C.5/55/L.94

32. **Mr. Ramos** (Portugal), Rapporteur, introduced draft resolution A/C.5/55/L.94 concerning reformed procedures for determining reimbursement to Member States for contingent-owned equipment and troop costs.

33. **Mr. Chandra** (India), supported by **Mr. Elgammal** (Egypt), said that it was his recollection that it had been decided in the informal consultations that the date 1 July 2001 should not appear in paragraph 10 and that the words "ad hoc" should be replaced by "additional" in paragraph 11.

34. **Mr. Ramos** (Portugal), Rapporteur, said that according to his records reference to the date in paragraph 10 was to be retained. The previous speakers were correct regarding paragraph 11; there had been a typographical error.

35. *Draft resolution A/C.5/55/L.94, as orally corrected, was adopted.*

The meeting was suspended at 6.35 p.m. and resumed at 6.55 p.m.

Agenda item 138: Financing of the United Nations peacekeeping forces in the Middle East (*continued*)

(a) United Nations Disengagement Observer Force (*continued*) (A/C.5/55/L.84)

Draft resolution A/C.5/55/L.84

36. **The Chairman** introduced draft resolution A/C.5/55/L.84, which had been submitted by the representative of Croatia and Vice-Chairman of the Committee.

37. **Mr. Nakkari** (Syrian Arab Republic), speaking in explanation of position before action was taken on the draft resolution, said that concerns regarding the difficulties faced by local staff, which were acknowledged in the last preambular paragraph and the first three operative paragraphs of the draft resolution, had not been fully addressed, particularly with regard to making allowance for difficulties resulting from the relocation of the headquarters of the Force from Damascus to Camp Faouar. It was not the first time the General Assembly had referred to such hardships.

38. In paragraph 2 of its resolution 54/266, the General Assembly had requested the Secretary-General to continue the process of improving the working conditions of the local staff, including by making allowance for difficulties resulting from the relocation of the headquarters of the Force. That request had not been implemented by the Secretariat, perhaps because of considerations relating to departments other than the Department of Peacekeeping Operations. Resolutions of the General Assembly were directed to the Secretary-General, who should ensure that the General Assembly's concerns were addressed. If the problem related to the Office of Human Resources Management, the Secretary-General should deal with that Office even if the act concerned fell within the remit of the Department of Peacekeeping Operations. There was a tendency for departments to assume that General Assembly resolutions could be interpreted by them and implemented or not implemented by them. His delegation had very strong reservations regarding that understanding of the functions and mandates of the General Assembly. Because of the failure to fully implement paragraph 2 of General Assembly resolution 54/266, the Committee had requested the Secretary-

General in paragraph 3 of the draft resolution to take concrete measures to ensure the full implementation of the matter and to report thereon to the General Assembly at its first resumed fifty-sixth session. His delegation hoped that it would not be necessary to return to the question yet again because of a wrong understanding on the part of some Secretariat departments. General Assembly resolutions must not be subject to interpretation by Secretariat departments. They were orders to be carried out by the Secretariat.

39. His delegation had accepted that a report on the matter would be submitted to the General Assembly at its first resumed fifty-sixth session in light of the understanding that the Secretariat would face technical difficulties in submitting such a report in the main part of the session. Based on that understanding, the Secretariat should spare no effort in implementing without delay both the mandate and the letter and spirit of the draft resolution.

40. Lastly, he wished to draw attention to an editorial error in the first line of paragraph 12 of the Arabic version of the draft resolution. The words "and conclusions" should be deleted.

41. *Draft resolution A/C.5/55/L.84 was adopted.*

Other matters

42. **Mr. Nakkari** (Syrian Arab Republic) said that documents were often issued late but were dated a month earlier than they appeared. The result was that, despite the accompanying statement that delegations should correct errors within a week of the date of publication, in practical terms such corrections were impossible. Under the rules of procedure, draft resolutions were also meant to be distributed 15 days before their consideration, but several texts relating to the main session of the General Assembly had still not been distributed. He deplored the fact that documents sometimes appeared on the Internet before they had been issued in all six official languages, despite the clear injunction in General Assembly resolutions that such a practice should be avoided. The Economic and Social Council and some committees should be instructed to respect the injunction.

43. With regard to the phrase "take note", its precise meaning should be clarified by a member of the Office of Legal Affairs so that it was understood throughout the Organization. Until such an explanation was provided, his delegation could not be assumed to have accepted the legal opinion contained in document A/C.5/55/42, annex II.

44. **Mr. Elgammal** (Egypt) expressed the hope that advance copies of draft resolutions would in future be distributed to the coordinators concerned before being issued, so that the coordinators could make sure that the texts were correct. That would spare the Committee some of the problems it had encountered with certain draft resolutions.

45. **Mr. Chaudhry** (Pakistan), referring to the legal opinion regarding the expression "taking note of" rendered upon request by the Legal Counsel in document A/C.5/55/42, said that in the absence of further comments by the organ concerned, it was the opinion of the Legal Counsel that "taking note of" constituted authorization of the course of action contained in a report. In other words, it meant approval of the matter contained in a report. The opinion had very serious implications. The term was used throughout the United Nations and the practice was that the General Assembly merely "took note of" those reports which did not require a decision and neither debated nor adopted resolutions on those reports unless specifically required to do so by the Secretary-General or the organ concerned. The time had come for the Committee to discuss the issue seriously because "taking note of" had been regarded as a very neutral term amounting to "taking cognizance of the fact that there was a report". It should not be construed as "approval". It had been a useful fall-back position for delegations and it was important to continue to be clear and concise in interpreting it. Pakistan wished to endorse the request that the subject to be placed on the Committee's agenda at the fifty-sixth session of the General Assembly and that it be discussed in the presence of representatives of the Office of Legal Affairs.

46. **The Chairman** said that the Bureau of the Committee had continued its dialogue with the Office of Legal Affairs and had insisted on clarification of the legal opinion. Concerns remained, however, and it was his intention to obtain such clarification before the Assembly's fifty-sixth session. As for the volume of paperwork, it was certainly very large, and on more than one occasion the Committee had had to compete with others for the time of editorial staff. Nevertheless, it should be recognized that the proportion of documents distributed in good time and in all six languages was quite high.

Completion of the work of the Fifth Committee at the second part of the resumed fifty-fifth session of the General Assembly

47. **The Chairman**, following the usual exchange of courtesies, declared that the Committee had concluded its work at the second part of the resumed fifty-fifth session of the General Assembly.

The meeting rose at 7.25 p.m.